Supreme Court of the United States.

No. 122.—October Term, 1903.

Daniel H. Carstairs and John H. Carstairs, Copartners, trading as Carstairs Brothers, Plaintiffs in Error,
vs.
Willie B. Cochran, Treasurer and Collector of Baltimore County.

In error to the Court of Appeals of the State of Maryland.

[February 23, 1904.]

By chap. 704 of the Laws of Maryland, 1892, as amended by chap. 320, Laws 1900, the general assembly of that State provided for the assessment and collection of taxes on liquors in bonded warehouses within the State. The proprietors of such warehouses were required to pay the taxes and given a lien on the property therefor. This legislation was sustained by the Court of Appeals of the State, (95 Md. 488,) to review whose judgment this writ of error was sued out.

Mr. Justice Brewer delivered the opinion of the Court.

That the statutes in question do not conflict with the Constitution of Maryland is settled by the decision of its highest court. (*Merchants' Bank* v. *Pennsylvania*, 167, U. S. 461, and cases cited; *Backus* v. *Fort Street Union Depot Co.*, 169 U. S. 557–566; *Rasmussen* v. *Idaho*, 181 U. S. 198–200.)

A State has the undoubted power to tax private property having a situs within its territorial limits, and may require the party in possession of the property to pay the taxes thereon. "Unless restrained by provisions of the Federal Constitution, the power of the State as to the mode, form and extent of taxation is unlimited, where the subjects to which it applies are within her jurisdiction." *State Tax on Foreign-held Bonds*, 15 Wall. 300, 319. "Statutes sometimes provide that tangible personal property shall be assessed wherever in the State it may be, either to the owner himself or to the agent or other person having it in charge; and there is no doubt of the right to do this, whether the owner is resident in the State or not." 1 Cooley on Taxation, 3d ed., p. 653. See also *Coe* v. *Errol*, (116 U. S. 517;) *Marye* v. *Baltimore & Ohio Railroad*, (127 U. S. 117–123;) *Pullman Car Company* v. *Pennsylvania*, (141 U. S. 18;) *Ficklen* v. *Shelby County*, (145 U. S. 1, 22;) *Savings Society* v. *Multnomah County*, (169 U. S. 421–427;)

New Orleans v. *Stempel*, 175 U. S. 309;) *Board of Assessors* v. *Comptoir National*, (191 U. S. 388;) *National Bank* v. *Commonwealth*, (9 Wall. 353;) *Merchants' Bank* v. *Pennsylvania*, (167 U.S. 461.)

That under Federal legislation distilled spirits may be left in a warehouse for several years, that there is no specific provision in the statutes in question giving to the proprietor who pays the taxes a right to recover interest thereon, and that for spirits so in bond negotiable warehouse receipts have been issued, do not affect the question of the power of the State. The State is under no obligations to make its legislation conformable to the contracts which the proprietors of bonded warehouses may make with those who store spirits therein, but it is their business, if they wish further protection than the lien given by the statute, to make their contracts accordingly.

We see no error in the judgment of the Court of Appeals, and it is

Affirmed.

True copy.

Test:

Clerk Supreme Court, U. S.